

CONDITIONAL USE PERMIT CASE NO. 01-017-(3)

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATE: APRIL 2, 2003

SYNOPSIS

The applicant is requesting a Conditional Use Permit to authorize the lawful establishment of a mobilehome for use as a caretaker's residence on a 23.6-acre subject property in zone A-1-1 (Light Agricultural, one acre minimum required area). The subject property is developed with an "antenna farm" that includes meteorological as well as cellular and radio towers and appurtenant equipment and storage. The applicant is requesting the caretaker's mobilehome in order to provide 24-hour on-site observation and security. A horse stable is also located on the subject property, for care of horses owned by the caretaker. The applicant will also be grading approximately 700 cubic yards of dirt for an access road and driveway. Although the original project description included a single-family residence, the residence is no longer part of the proposal.

PROCEEDINGS BEFORE THE COMMISSION

April 2, 2003 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission. All Commissioners were present. Four (4) persons were sworn in to testify; two (2) agents for the applicant testified in favor of the request, one (1) neighbor and a representative from the National Park Service testified in opposition to the request. Issues discussed included whether the applicant should be responsible for restoration of the adjacent parklands from a meteorological tower being relocated, easement rights from the corner of Latigo Canyon Road and Castro Motorway to the subject property, the number of trucks using Castro Motorway to access the site, and the dangerous conditions along Castro Motorway due to the speed of the trucks and the lack of ability to see them coming down the hill.

Mr. French, the neighbor who testified at the public hearing, expressed concerns that they could not see vehicles coming down the hill when backing out of their driveway. Although it is not a condition of approval of this grant, the Commission suggested the applicant provide a large mirror at the edge of Mr. French's property so that they can see vehicles coming down the hill.

There was discussion regarding a dirt road/trail that passes through the subject property. The applicant has placed gates along their property line to keep hikers off the property. As hikers continue to pass through the gate, the applicant intends to further strengthen the gates to keep pedestrians off the property. According to the applicant, they are concerned about the liability of having someone fall and hurt themselves on their property. The Commission suggested they offer a trail easement to the Santa Monica Mountains Conservancy; which would allow hikers to pass, but it would be the Conservancy's liability if there was an accident on the trail. The applicant's representative did not think the owner would be interested in such an arrangement.

There being no further testimony, the Commission voted (5-0) to close the public hearing, indicate its intent to approve the conditional use permit, and direct staff to prepare the final environmental documentation and findings and conditions for approval.

Findings

1. The applicant is requesting a conditional use permit to authorize the lawful establishment of a mobilehome as a caretaker's residence on the subject property located at 1953 Latigo Canyon Road, Malibu, in The Malibu Zoned District, pursuant to Section 22.24.100 of the County Code.
2. The subject property is located at 1953 Latigo Canyon Road, Malibu. Although the property has a Latigo Canyon Road address, it has no frontage on said road. Access to the site is via Latigo Canyon Road to Castro Motorway easterly approximately two miles, which turns into Newton Motorway (Cessna Drive), which enters the subject property to the north. Both Castro Motorway and Newton Motorway are private streets. The subject property is located within the Santa Monica Mountains and is surrounded by the Santa Monica Mountains National Recreation Area to the west, south and east. The property ascends to an elevation of approximately 2,900 feet and is known as "Castro Peak". In addition, the subject property is located within the Malibu Coastal Zone.
3. The rectangular shaped parcel is 23.6 acres in size with rugged, steep mountain terrain. The caretaker's residence and accessory structures are sited on a graded ridgeline. The natural chaparral has been removed from the developed portion of the site. The subject property is located within the Solstice Canyon Significant Watershed and the Eastern Wildlife Movement Corridor.
4. Zoning on the subject property is A-1-1 (Light Agricultural, one acre minimum required area).
5. Surrounding zoning consists of A-1-1 to the north, south, east and west.
6. The subject property is presently developed with weather, radio and cellular antennas with appurtenant equipment and storage facilities. A caretaker's mobilehome and horse stables are also developed on the property.
7. Surrounding land uses consist of vacant land to the north and the Santa Monica Mountains National Recreation Area to the south, east and west. The County of Los Angeles owns a small parcel located west of the subject property that has been developed with a communications tower and appurtenant equipment.
8. The project site is classified as Mountain Land on the Malibu Local Coastal Plan's land use map. The Mountain Land classification has a maximum density of one (1) dwelling unit per twenty (20) acres.

9. The subject property falls within a significant environmental resource area; the property is located within the Solstice Canyon Significant Watershed and the Eastern Wildlife Movement Corridor.
10. The following goals and policies of the Plan are applicable to the subject property and serve as guidelines for development within the Mountain Land/Significant Environmental Resource Area classification of the Land Use Map.
 - a. Relatively undisturbed watershed areas containing exceptional undisturbed riparian and oak woodlands (or savannahs) and recognized as important in contributing to the integrity of these woodlands shall be designated as "Significant Watersheds". (P59) The subject property lies within the boundaries of the Solstice Canyon Significant Watershed.
 - b. Uses shall be permitted in ESHAs, DSRs, Significant Watersheds, and Significant Oak Woodlands, and Wildlife Corridors in accordance with Table 1 and all other policies of this LCP. (P63) Table 1 lists habitat type, permitted uses within the habitat area and development standards. Residential uses are permitted within Significant Watersheds and Wildlife Corridors in accordance with recommended development standards and protection policies and subject to review by Environmental Review Board (ERB). The applicant went before the ERB on February 26, 2001; no further ERB review is required.
 - c. An Environmental Review Board (ERB) comprised of qualified professionals with technical expertise in resource management shall be established by the Board of Supervisors as an advisory body to the Regional Planning Commission and the Board to review development proposals in the ESHAs, areas adjacent to the ESHAs, Significant Watersheds, Wildlife Corridors, Significant Oak Woodlands, and DSRs. The ERB shall provide recommendation to the Regional Planning Commission on the conformance or lack of conformance of the project to the policies of the Local Coastal Program. Any recommendation of approval shall include mitigation measures designed to minimize adverse impacts on environmental resources. Projects shall be approved by the decision-making body for coastal permits only upon a finding that the project is consistent with all policies of the LCP. (P64)
 - d. The Environmental Review Board shall consider the individual and cumulative impact of each development proposal within a designated Significant Watershed. Any development within a significant watershed shall be located so as to minimize vegetation clearance and consequent soil erosion, adverse impacts on wildlife resources and visual resources, and other impacts. Therefore, development should

be clustered and located near existing roads, on areas of relatively gentle slopes as far as possible outside riparian areas in canyons and outside ridgeline saddles between canyons that serve as primary wildlife corridors. (P65)

- e. Development adjacent to parks shall be sited to allow ample room outside park boundaries for necessary fire-prevention brush clearance. (P75)
- f. New development shall be sited and designed to protect public views from LCP designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. Where physically and economically feasible, development on sloped terrain should be set below road grade. (P125)
- g. Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment. (P129)
- h. Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged. (P134)
- i. Evaluate all new development for impact on, and from, geologic hazard. (P147)
- j. Require a geologic report, prepared by a registered geologist, to be submitted to the County Engineer for review prior to approval of any proposed development within potentially geologically unstable areas including landslide or rock-fall areas and the potentially active Malibu Coast-Santa Monica Fault Zone. The report shall include mitigation measures proposed to be used in the development. (P149)
- k. Evaluate all new development for impact on, and from, fire hazard. (P156)
- l. Enforce code requirements for clearance or reduction of flammable vegetation for a minimum distance of 100 feet around any residential structure in a fire hazard area (Fire Zone 4). Encourage use in landscaping of fire-retardant plant species. (P158)
- m. Enforce requirements on all new development for emergency vehicle access and fire-flow water supply as determined by the Forester and Fire Warden until such time as alternative mitigation measures providing an equivalent degree of safety are developed and implemented. (P159)

- n. Require residential structures in fire hazard areas to utilize fire resistant building materials and designs. (P160)
 - o. The Departments of Health Services and County Engineer shall continue to strictly enforce all health, building, and plumbing code requirements concerning private wastewater disposal systems. Such requirements shall be considered to be part of the LCP. (P225)
 - p. The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences. (P226)
 - q. Require all new development to demonstrate that an adequate potable water supply is available to each parcel. (P233)
 - r. An on-site water source shall be of potable quality and be able to provide a quantity of water sufficient to meet domestic supply requirements as determined by the governmental agency having jurisdiction. (P235)
11. With the recommended conditions of approval, the proposed use, a mobilehome for use by a caretaker, can be found compatible with the Mountain Land category of the Malibu Local Coastal Plan.
 12. There are two (2) previous zoning cases noted on the subject property, Conditional Use Permit Case No. 88-021, and Conditional Use Permit Case No. 97-022. CUP 88-021 was approved in June of 1988 and authorized the continuation of existing radio communication towers and facilities and the development of an unmanned wireless telecommunications facility. CUP 97-022 was approved in September of 1997 and authorized the addition of a 150-foot high unmanned communications tower and authorized the increase in height of an existing communications tower from 60 feet to 120 feet. CUP 97-022 superceded CUP 88-021 and expires September 16, 2007.
 13. The Department of Regional Planning Zone Enforcement Section cited the owner in March of 1998 for maintaining a caretaker's residence on the subject property without a conditional use permit. In addition, the applicant was instructed to relocate an antenna tower and horse stable that had been placed on the adjacent parcel belonging to the National Park Service. The current owner of the property, Lt-wr, LLC, was not the owner of the property at that time. Lt-wr, LLC took possession of the property in May of 1999. (It should be noted that Lt-wr, LLC is the successor in interest to Socal Communications, LLC.) However, the violation continued at that time. The Department issued a Clean Hands Waiver to the

applicant dated August 29, 2002, one of the conditions being an application for a Conditional Use Permit be filed. At the time of this writing the applicant is in compliance with all the conditions of the Clean Hands Waiver.

14. The applicant's site plan depicts the 23.6-acre subject property developed with a caretaker's mobile home with an adjacent 1,125 square foot storage structure. Other structures depicted on the property include storage containers, horse stables, antenna towers, and a wireless telecommunications facility. Access to the caretaker's mobilehome is from Newton Motorway, which runs through the northern portion of the property.
15. Pursuant to Section 22.24.110 of the County Code, the caretaker's mobile home shall comply with the following development standard of the A-1 zone.

- a. Each lot or parcel of land shall have a front yard of not less than 20 feet in depth, side yards of not less than five feet, and rear yards of not less than 15 feet in depth. (Section 22.20.120)

The applicant's site plan depicts the existing antenna tower equipment buildings closest to the front property line; a front yard setback of approximately 150 feet is shown. The existing antenna tower equipment buildings are the depicted closest to the west property line; a side yard setback of approximately five feet is shown. An existing antenna tower is depicted closest to the east property line; a side yard setback of approximately 195 feet is shown. The caretaker's residence is depicted closest to the rear property line; a rear yard setback of approximately 440 feet is shown. The applicant's site plan is in compliance with the setback standards of the A-1 zone.

16. Regarding the establishment of mobilehomes by use as a caretaker, Section 22.52.550 of the County Code requires:

- a. Density. The use of a mobilehome as a residence for a caretaker shall not exceed the density permitted by the Zoning Ordinance set out in Title 22, or the adopted General Plan, whichever is less.

The zoning on the subject property is A-1-1, requiring a minimum area of one (1) acre; the subject property is 23.6 acres. The property lies within the Mountain Land classification of the Malibu Local Coastal Plan which permits a maximum density of one (1) dwelling unit per twenty (20) acres.

- b. Single-Unit Mobilehomes. Mobilehomes shall contain not more than one dwelling unit.

The subject mobilehome does not contain more than one dwelling unit.

- c. Placement. The placement of the mobile home shall be at a location where the erection of residential structures is otherwise permitted.

The mobilehome has been placed in conformance with the setback requirements of the A-1 zone and is placed at a location where a residential structure would otherwise be permitted.

- d. Time Limitation. Such mobilehome shall be removed from the site prior to the end of five years unless the Commission specifies a different time period.

The draft conditions of approval recommend a five year time period for the grant.

- e. Other Regulations. Approval of a Conditional Use Permit for a mobilehome for use by a caretaker shall not relieve the applicant and his successors in interest from complying with all other applicable statutes, ordinances, rules and regulations.

As conditions of approval of this grant, the applicant will be required to comply with all other applicable statutes, ordinances, rules and regulations.

17. An Initial Study was prepared for this project and circulated for public review in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence, in light of the whole record before the Commission, that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Mitigated Negative Declaration for this project. The Commission finds that this project is not *de minimus* in its effect on fish and wildlife resources.
18. The proposed project, being within the Solstice Canyon Significant Watershed and Eastern Wildlife Corridor, went before the Environmental Review Board (ERB) on February 26, 2001. ERB's comments are incorporated into the mitigated negative declaration and conditions of approval.
19. Staff received one (1) letter in opposition to this request. The letter is from a resident who lives at the corner of Latigo Canyon Road and Castro Peak Motorway. The writer's primary opposition is to the fact that Castro Peak

Motorway is a private road that leads through his property; the applicant does not have a recorded easement to use this road.

20. Pursuant to Section 22.52.1220, Title 22 of the Los Angeles County Code, Parking - Uses not specified, not less than one off-street parking space shall be provided for the caretaker's mobilehome. The applicant will be required to resubmit a Revised Exhibit "A" depicting the location of the caretaker's parking space.
21. According to the applicant, a caretaker is required on site to guard the expensive equipment associated with the meteorological, cellular and radio towers located on-site.
22. Although the subject property has a Latigo Canyon Road address, it takes access from Castro Peak Motorway which leads to Newton Motorway. Castro Peak Motorway and Newton Motorway are private roads that cross through approximately twenty-three (23) parcels before entering the subject property. The applicant does not have recorded easements through the other parcels; obtaining easement rights will be made a condition of approval of this grant.
23. Although the applicant does not require an additional access road across their property, a court decision in August of 2000 mandated they provide an access road along the northern portion of their property. This access road is a recorded easement for the property owners located northwest of the subject property so that they can travel from Newton Motorway, through the subject property, to their property. The applicant uses the existing road located approximately 100 feet south of the property line to access the caretaker's mobilehome, antennas and equipment cabinets. According to the applicant, approximately 700 cubic yards of grading is required for the access road; 550 cubic yards of cut and 150 cubic yards of fill.
24. The applicant is in the process of obtaining the required building permits to relocate the existing 120-foot communications tower from the National Park Service property to their own property. The applicant's site plan depicts the new location of the tower.
25. The caretaker currently keeps four (4) horses on the property. The horses are for his personal use; no commercial boarding is conducted. Pursuant it Section 22.24.070 of the County Code, this is a permitted use in the A-1 zone.
26. The proposed project is consistent with the Malibu Local Coastal Plan. Compliance with the recommended conditions of approval and mitigation measures will ensure compatibility with surrounding land uses.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

- 1. After consideration of the Mitigated Negative Declaration together with all comments received during the public review process, the Regional Planning Commission finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 01-017-(3) is **APPROVED**, subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

RF:KMS
05-12-03

